TABLE 52.1031.—EPA-APPROVED RULES AND REGULATIONS

State citation	Title/subject	Date adopted by State	Date approved by EPA	Federal Register citation	52.1020	Comments
*	*	*	*	*	*	*
114	Classification of Air Quality Control Regions.	4/27/94	Aug. 30, 1995	[Insert FR citation from published date].	(c)(40)	Revision to remove Presque Isle as nonattainment for PM_{10}.
*	*	*	*	*	*	*

PART 81—[AMENDED]

1. The authority citation for part 81 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

2. Section 81.320 is amended by revising the table for ''Maine—PM_{10} Nonattainment Areas'' to read as follows:

§ 81.320 Maine.

* * * * *

MAINE—PM_{10} *Nonattainment Areas*

Designated area	Designation		Classification	
	Date	Type	Date	Type
Aroostook County:				
City of Presque Isle (part)[1]	Aug. 30, 1995	Attainment		
That area bounded by Allen Street from its intersection with Main Street east to Dudley Street, Dudley Street south to Cedar Street, Cedar Street west to Main Street, Main Street south to Kennedy Brook, Kennedy Brook northwest crossing Presque Isle Stream to Coburn Street, Coburn Street northwest to Mechanic Street, Mechanic Street west to Judd Street, Judd Street northeast to State Street, State Street northwest to School Street, School Street northeast to Park Street, Park Street east to Main Street				
Rest of State	11/15/90	Unclassifiable		

[1] This definition of the nonattainment area redefines its borders from the entire City of Presque Isle to this area of 0.6 square miles which circumscribe the area of high emission densities and ambient PM10 levels. (60 FR 2885, January 12, 1995)

[FR Doc. 95–21464 Filed 8–29–95; 8:45 am]
BILLING CODE 6560–50–P

[OPP–300396; FRL–4971–8]

40 CFR Part 180

Lepidopteran Pheromones: Tolerance Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This document establishes an exemption from the requirement of a food tolerance for residues of certain Lepidopteran pheromones resulting from the use of these substances independent of formulation, mode of application or physical form or shape with an annual application limitation of 150 grams active ingredient per acre (gm AI/acre) for pest control in or on all raw agricultural commodities. This exemption pertains only to the pheromone active ingredient. Any encapsulating material needs to be a cleared inert for pesticidal uses on food crops. EPA is establishing this regulation on its own initiative.

EFFECTIVE DATE: This regulation becomes effective August 30, 1995.

ADDRESSES: Written objections and hearing requests, identified by the docket control number, OPP–300396, may be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. A copy of any objections and hearing requests filed with the Hearing Clerk should be identified by the docket control number and submitted to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring a copy of objections and hearing requests to: Public Docket, Rm. 1132, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

A copy of objections and hearing requests filed with the Hearing Clerk may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Copies of objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Copies of objections and hearing requests will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All copies of objections and hearing requests in electronic form must be identified by the docket number ''OPP–300396.'' No Confidential Business Information (CBI) should be submitted through e-mail. Electronic copies of objections and hearing requests on this rule may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found in Unit IV. of this document.

FOR FURTHER INFORMATION CONTACT: By mail: Phil Hutton, Product Manager (PM-90), Biopesticides and Pollution Prevention Division (7501W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail address: 5th Floor, Crystal Station 1, 2805 Crystal Drive, Arlington, VA, (703) 308–8260, e-mail: hutton.phil@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of March 29, 1995 (60 FR 16128), EPA issued a notice of filings and invited comments on a pesticide petition to propose amending 40 CFR part 180 by establishing an exemption from the requirement of a food tolerance for certain Lepidopteran pheromones regardless of mode of application when used at rates less than or equal to 150 grams ai/acre/year. The Agency received no comments in response to its notice. In this document, EPA sets forth its reasons for determining that a tolerance for these pheromone products is not necessary to protect public health.

For the purposes of this exemption, a Lepidopteran pheromone is defined as a naturally occurring compound, or identical or substantially similar synthetic compound, designated by the unbranched aliphatics (with a chain between 9 and 18 carbons) ending in an alcohol, aldehyde or acetate functional group and containing up to 3 double bonds in the aliphatic backbone. This definition encompasses the majority of Lepidopteran pheromones. While other types of chemical compounds have been demonstrated to be Lepidopteran pheromones and other arthropod pheromones have been recommended for tolerance exemptions, there is limitied toxicity data and exposure information available. The Agency believes the type described here represents not only the majority of Lepidopteran pheromones but also those with the most complete toxicological data base. Synthetically produced compounds that are identical to a known aliphatic Lepidopteran pheromone as described above, and those that differ only in that their molecular structures are stereochemical isomers (or ratios of such isomers) are also included in this tolerance exemption. Other Lepidopteran pheromones and other pheromones not included within the described scope will still require mammalian toxicity testing (40 CFR 158.690) if used on food crops and are not otherwise exempt from the requirement of a tolerance.

I. Background

A pheromone (including an identical synthetic compound) is defined by EPA as a compound produced by an arthropod (insect, arachnid, or crustacean) that modifies the behavior of other individuals of the same species (40 CFR 152.25(b)). Lepidopteran pheromones are those produced by a member of the order Lepidoptera, which includes butterflies and moths. One physical-chemical feature common to all these compounds is their volatility which is the basis for the signalling and homing mechanism. The Agency has registered 17 arthropod pheromones active ingredients, 11 of which are Lepidopteran pheromones.

The Agency has assumed that pheromones and other similar semiochemicals are different from conventional synthetic pesticides, and has attempted to facilitate their registration with reduced data requirements and regulatory relief efforts. Most recently the Agency has recognized that a special category of pheromone products dispensed from larger sized polymeric matrices with low annual use rates represent minimal risk for dietary and environmental exposure and has greatly eased the burden to register these items. Broadcast methods of application were not included because the Agency did not have sufficient information on the levels of exposure from pheromones applied in this manner. The Agency has since received data in this area. In addition to submitted data, the Agency utilized in its decision an internal document of the toxicology of certain Lepidopteran pheromones related by their chemical structure.

For pheromone products, especially those directly applied to food, one problem has been a lack of subchronic toxicity studies and an estimate of the actual pheromone residues occurring with use. Some pheromone uses in solid matrix dispensers have been registered based on the low probability of exposure justifying the waiver of the subchronic toxicity studies, namely the 90–day feeding, the developmental toxicity and immunotoxicity studies. However, the Agency has held that sprayable formulations or other modes of application that may increase the likelihood of human exposure would still require the subchronic toxicology studies.

II. Human Health

Data has been submitted on subchronic toxicology studies done to date on compounds similar in structure to the Lepidopteran pheromones and published in the peer reviewed, public literature. The information submitted covered compounds that were from six to sixteen carbon unbranched alcohols, acetates and aldehydes. Since the Agency is basing this tolerance exemption on chemical structure, it is relevant to consider the available subchronic toxicology data for this group. The results given in these literature reports indicate that there is no significant acute toxicity associated with the primary alcohols, acetates or aldehydes mentioned (C_8 to C_{16} unbranched aliphatics). In addition, the subchronic toxicity of an isomeric mixture of tridecenyl acetate indicated no significant signs of toxicity other than those expected with longer term exposure to high doses of a hydrocarbon. The findings of the published studies indicate that there were no significant health effects from subchronic exposures to this group of chemicals.

Studies examining the volatilization of a pheromone from a microcapsule indicates that about 70 percent of the pheromone remains after 30 days. These results indicate the pheromone is released at a slower rate than anticipated. The studies show that only a small proportion of the microcapsules actually release any pheromone or only a portion of the total pheromone loaded into the capsule is capable of ever being released. These laboratory studies indicate a potential for pheromone residues to occur in the absence of any biological or environmental factors.

In a submitted field study, however, residue analyses from field treated plants indicate no significant amounts of pheromone can be detected on the resulting fruit. The detectable residues on unwashed fruit of tomato pinworm pheromone ranged from 21–72 ppb on the day of application, decreased to 0.9–6.8 ppb on day 15, and was recorded at 0.29–1.2 ppb on day 30. Washing the tomatoes brought all the residues below the level of detection. This study demonstrates that the expected pheromone residue levels found in tomato fruit are several orders of magnitude lower than previously calculated estimates. The process of application, weathering, and other environmental degradation leads to a reduction in the active ingredient that approaches the system limit of detection in the expected 3–week lifetime of the raw agricultural product.

III. Conclusion

The Agency believes that the potential for pheromone residues is not a dietary hazard. This conclusion is based on: (1) The low acute toxicity seen in the data

review of the Lepidopteran pheromones registered to date; (2) the known metabolism of long-chain fatty acids that predicts these compounds would be metabolized either by β-oxidation yielding a series of paired carbon losses or by complexing with glucuronide and excretion by the kidneys; and (3) low exposure subsequent to application from product aging, volatilization, and the results of the field residue studies.

EPA has determined that, when used in accordance with good agricultural practices, a food tolerance for the defined subset of Lepidopteran pheromones is not necessary to protect the public health. A generic exemption for this low-risk, low-exposure group of substances will facilitate the use of semiochemicals as alternatives to conventional synthetic pesticides. Therefore, EPA is establishing an exemption from the requirement of a tolerance as set forth below for the defined group of compounds with from 9 to 18 carbon atoms, regardless of formulation or mode of application, at use rates of less than 150 grams active ingredient/acre/year. It is important to note that any encapsulating material needs to be a cleared inert for pesticidal uses on food crops. To the extent that other straight chained, or non-straight chained chemicals within this group may be naturally occurring and sufficiently similar to these Lepidopteran compounds in use, they may also meet the exemption from the requirement for a food tolerance upon review by the Agency.

Any person adversely affected by this regulation may, within 30 days, file written objections and/or request a hearing with the Hearing Clerk and a copy submitted to the OPP docket for this rulemaking at the addresses given above.

IV. Rulemaking Record

A record has been established for this rulemaking under docket number ''OPP–300396'' (including objections and hearing requests submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The public record is located in Room 1132 of the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Written objections and hearing requests, identified by the document control number ''OPP–300396'', may be submitted to the Hearing Clerk (1900), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, DC 20460.

A copy of electronic objections and hearing requests filed with the Hearing Clerk can be sent directly to EPA at:

opp-docket@epamail.epa.gov

A copy of electronic objections and hearing requests filed with the Hearing Clerk must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this rulemaking, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer any objections and hearing requests received electronically into printed, paper form as they are received and will place the paper copies in the official rulemaking record which will also include all objections and hearing requests submitted directly in writing. The official rulemaking record is the paper record maintained at the address in ''ADDRESSES'' at the beginning of this document.

V. Regulatory Assessments

The Office of Management and Budget has exempted this notice from the requirement of section 3 of Executive Order 12866.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96354, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

Dated: August 18, 1995.

Janet L. Andersen,

Acting Director, Biopesticides and Pollution Prevention Division Office of Pesticide Programs.

Therefore, it is proposed that 40 CFR part 180 be amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. By adding § 180.1153 to subpart D to read as follows:

§ 180.1153 Lepidopteran pheromones; exemption from the requirement of a tolerance.

Lepidopteran pheromones that are naturally occurring compounds, or identical or substantially similar synthetic compounds, designated by an unbranched aliphatic chain (between 9 and 18 carbons) ending in an alcohol, aldehyde or acetate functional group and containing up to 3 double bonds in the aliphatic backbone, are exempt from the requirement of a tolerance in or on all raw agricultural commodities. This exemption pertains to only those situations when the pheromone is applied to growing crops at a rate not to exceed 150 grams active ingredient/acre/year in accordance with good agricultural practices.

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40 CFR Part 180

[PP 4E4404/R2162; FRL–4962–1]

RIN 2070–AB78

Glyphosate; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This document establishes pesticide tolerances for residues of glyphosate in or on the raw agricultural commodities peppermint and spearmint. The Interregional Research Project No. 4 (IR-4) requested in a petition submitted to EPA pursuant to the Federal Food, Drug and Cosmetic Act (FFDCA) this regulation that establishes the maximum permissible level for residues of the pesticide in or on the commodities.

EFFECTIVE DATE: This regulation becomes effective August 30, 1995.

ADDRESSES: Written objections and hearing requests, identified by the document control number, [PP 4E4404/R2162], may be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. Fees accompanying objections and hearing requests shall be labeled ''Tolerance Petition Fees'' and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251. A copy of any objections and hearing requests filed with the Hearing Clerk should be identified by the document control number and submitted to: Public Response and Program Resources Branch, Field Operations Division